

## Maclear, Licia

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**From:** Brush, Jason  
**Sent:** Monday, June 29, 2020 9:15 AM  
**To:** Maclear, Licia  
**Subject:** FW: U.S. Environmental Protection Agency Review of the La Posta Band of Mission Indians' Eligibility Application for Clean Water Act Water Quality Standards and Certification Programs

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**From:** Brush, Jason  
**Sent:** Monday, May 11, 2020 12:39 PM  
**To:** DianneJacob@sdcounty.ca.gov  
**Cc:** Shari.L.Johnson@usace.army.mil; splregcbad@usace.army.mil; Maclear, Licia <Maclear.Licia@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Angeles, Danielle <Angeles.Danielle@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>  
**Subject:** U.S. Environmental Protection Agency Review of the La Posta Band of Mission Indians' Eligibility Application for Clean Water Act Water Quality Standards and Certification Programs

Dear Supervisor Jacob:

I am writing to notify you that the La Posta Band of Mission Indians (Tribe) has applied to the U.S. Environmental Protection Agency, Region 9 (EPA), for "treatment in a similar manner as a state" (TAS) authority under Sections 303(c) and 401 of the Clean Water Act (CWA).

Pursuant to EPA's regulations, we solicited comments from state and federal entities by letter on May 1, 2020, and from the public by notice in the Alpine Sun newspaper on May 8, 2020. EPA is extending this courtesy notification to local government prior to making any decision on this application. If you would like to arrange a call to discuss the Tribe's application or address any comments or questions you may have, we would appreciate hearing from you by **June 8, 2020**.

Briefly, EPA's approval would enable the tribe, rather than the federal government, to directly administer some CWA water quality programs on the tribe's Reservation. Specifically, approval would allow the tribe to adopt, review, and revise water quality standards (Section 303) for all surface waters within the Reservation, and submit those standards to EPA for subsequent review and approval. The tribe would also be authorized to certify (Section 401) that discharges to surface water comply with those water quality standards for all surface waters within that same area.

Importantly, EPA's current decision relates solely to the tribe's TAS eligibility. At present, EPA does not have any tribal water quality standards in review. Any future establishment of tribal WQS (and periodic reviews of those WQS) would separately be subject to EPA review and approval with additional public notice and comment opportunities.

If you would like to discuss this matter please contact Licia Maclear (copied, or at 415-972-3161), or me directly by reply email or the phone number below. Again, **we would appreciate hearing whether you intend to make comments, or would like a call to discuss the matter, no later than June 8, 2020**. Although we will assume no response to mean that you do not wish to engage with EPA on this matter, we would appreciate a brief reply to this email stating such if that is your intent.

Kind regards,

**Jason A. Brush**  
**Supervisor, Tribal Water Section**  
**U.S. Environmental Protection Agency, Region 9**  
**75 Hawthorne Street (WTR-3-4)**  
**San Francisco, CA 94105**  
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**desk: 415.972.3483**  
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